

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DEBRA PHEAL

PLAINTIFF

vs.

CIVIL ACTION NO. 3:20-cv-413 HTW-LRA

SAM'S EAST, INC.

DEFENDANT

NOTICE OF REMOVAL

COMES NOW, Defendant Sam's East, Inc. ("Sam's"), without waiving and hereby expressly reserving all applicable objections to venue and any other defenses, including, but not limited to, Federal Rule of Civil Procedure Rule 12(b) and 8(c) defenses, and files its Notice of Removal of this action from the Circuit Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Northern Division, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446 as follows:

COMPLAINT

1. The Plaintiff, Debra Pheal ("Plaintiff") originally filed this action in the Circuit Court of Hinds County, Mississippi, First Judicial District, on or about April 23, 2020, under the Civil Action Number 25CI1:20-cv-00120. The Complaint asserts a substantial federal question, which is removable to this Court without regard to the citizenship of the parties and/or the amount in controversy, pursuant to 28 U.S.C. §§ 1331, 1343, and 1441(a). The Complaint expressly and specifically asserts a claim against Defendant Sam's under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 for alleged race discrimination. *See* Complaint, Exhibit A, ¶ 21. Plaintiff seeks damages pursuant to Title VII and Section 1983, including back wages, future wages and compensatory damages. *See* Complaint, Prayer for Relief.

PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN MET

2. This case is removable under 28 U.S.C. § 1441(a), which provides in pertinent part that, “...any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by...the defendants, to the District Court of the United States for the district or division embracing the place where such action is pending.” The District Court for the Southern District of Mississippi, Northern Division is the district and division embracing the location of the state court where this suit is currently pending.

3. Defendant Sam’s was served with process by service of a copy of the summons and Complaint on its registered agent of process, CT Corporation, on May 20, 2020. *See* Service of Process Transmittal, Exhibit A. This Notice of Removal is filed within thirty (30) days following service of process upon the first-served Defendant pursuant to 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders served upon Defendant Sam’s is attached hereto as Exhibit A.

5. Prompt notice of the filing of this Notice of Removal will be sent to all adverse parties and a copy will be filed with the Clerk of the Circuit Court of Hinds County, Mississippi, in accordance with 28 U.S.C. § 1446(d). All the requirements for removal being met, removal is proper pursuant to 28 U.S.C. § 1441.

THE COURT HAS ORIGINAL FEDERAL QUESTION JURISDICTION

6. As stated above, the Complaint asserts a substantial federal question which is removable to this Court without regard to the citizenship of the parties and/or the amount in controversy pursuant to 28 U.S.C. §§ 1331, 1343 and 1441.

7. For all of the foregoing reasons, this action is removable to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

8. A true and correct copy of all papers in this action received by Defendant Sam's to date is attached hereto as Exhibit A. A true and correct copy of the pleadings contained in the Circuit Court of Hinds County file as of the date of this Notice of Removal is attached hereto as Exhibit B.

9. Defendant herein reserves the right to supplement this notice of removal by adding any jurisdictional grounds or defenses which may independently support a basis for removal.

WHEREFORE, PREMISES CONSIDERED, Defendant, Sam's East, Inc., respectfully requests that this Court assume full jurisdiction over this cause herein as provided by law.

RESPECTFULLY SUBMITTED, this the 19th day of June, 2020.

SAM'S EAST, INC.

By: /s/Amy Felder

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CERTIFICATE OF SERVICE

I, **Amy Felder**, do hereby certify that I have served via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing ***Notice of Removal*** to:

**LOUIS H. WATSON
NICK NORRIS
WATSON & NORRIS, PLLC
1880 LAKELAND DRIVE, STE. G
JACKSON, MS 39216
*Attorneys for Plaintiff***

THIS, the 19th day of June, 2020.

/s/Amy Felder

AMY FELDER